

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:21-cv-343-MOC-WCM**

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 2019 DODGE CHALLENGER R/T)
 Seized from Terrence Antonio Lucas)
 on or about July 1, 2021,)
 in Buncombe County, North Carolina,)
)
 Defendant.)
 _____)

ORDER

THIS MATTER comes before the Court on the Government's Motion for Default Judgment as to all persons and entities with respect to the \$15,611.56 in net proceeds remaining after the interlocutory sale of the Defendant Vehicle, other than Quintania Gregg and Ally Bank, whose claims have been resolved. (Doc. Nos. 28, 29-1). For the following reasons, the Government's motion is **GRANTED**.

On November 24, 2021, the Government filed a Complaint for Civil Forfeiture *in rem* against a 2019 Dodge Challenger R/T (VIN: 2C3CDZFJ5KH662360) seized from Terrence Antonio Lucas on July 1, 2021. After the Government filed its Complaint, and in accordance with Rule G(4)(b) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the Government provided direct notice of this action to known potential claimants. (Doc. No. 9-1). Additionally, in accordance with Supplemental Rule G(4)(a), the

Government provided notice by publication as to all persons with potential claims by publishing notice via www.forfeiture.gov for 30 consecutive days, beginning on November 30, 2021. Id.

On December 15, 2021, Ally Bank filed a response to the Government's Complaint, in which she asserted an interest in the Defendant Vehicle as a lienholder. (Doc. No. 3). On December 29, 2021, Claimant Quintania Gregg filed a claim as to the 2019 Dodge Challenger, asserting that she is the sole owner of the vehicle. (Doc. No. 4).

On June 21, 2022, the Court issued an Order authorizing the interlocutory sale of the 2019 Dodge Challenger, and on July 19, 2022, the vehicle was sold. (Doc. No 21). The net proceeds, i.e., the amount remaining after payment of the costs of the sale of the vehicle, accrued unpaid storage charges, and the payoff owed to Ally Bank, total \$15,611.56.

No other claims or answers have been filed in this action, and pursuant to Rule G(5) of the Supplemental Rules of Certain Admiralty Maritime Claims, Federal Rules of Civil Procedure, the deadline for filing a claim and answer in this action has expired. The Government has taken reasonable steps to provide notice to known potential claimants, and the Government has otherwise complied with the notice requirements set forth in Supplemental Rule G(4). During the pendency of this action, no other individual or entity has made a timely claim. Accordingly, on November 30, 2022, the Government filed a motion for Clerk's entry of default, Doc. No. 29, and on December 1, 2022, the Clerk entered default. (Doc. No. 30).

For these reasons, pursuant to Fed. R. Civ. P. 55(a), the Government requests that the Court enter default judgment as to all persons and entities with respect to the \$15,611.56 in net proceeds remaining after the interlocutory sale of the Defendant Vehicle, other than Quintania Gregg and Ally Bank, whose claims have been resolved. See United States v. 15 Trimont Lake Road, No. 2:10-cv-16, 2011 WL 309921 (W.D.N.C. Jan. 28, 2011) (entering Default Judgment

of Forfeiture as to all other persons and entities when a claimant entered into settlement agreement). After careful review, the Court finds that the Government's motion should be granted.

ORDER

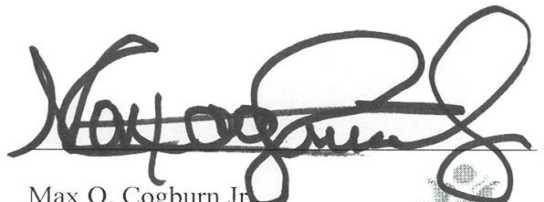
IT IS, THEREFORE, ORDERED, ADJUDGED, and DECREED that:

1. The Government's Motion for Default Judgment of Forfeiture, Doc. No. 31, is **GRANTED**, and judgment is entered in favor of the United States against all persons and entities with respect to the \$15,611.56 in net proceeds remaining after the interlocutory sale of the Defendant Vehicle, other than Quintania Gregg and Ally Bank, whose claims have been resolved.

2. With the exception of the amount to be returned to Ms. Gregg under the terms of the settlement agreement, any right, title and interest of all other persons and entities to the \$15,611.56 in net proceeds is hereby forfeited to the United States, and no other right, title, or interest shall exist.

3. The United States Marshal is hereby directed to dispose of the \$15,611.56 in net proceeds, consistent with the terms of the settlement agreement.

Signed: December 13, 2022



Max O. Cogburn Jr.
United States District Judge

